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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

DEC - 1 2010  
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SHREVEPORT DIVISION

UNITED STATES OF AMERICA

versus

CRIMINAL NO. 97-50081-01  
JUDGE TOM STAGG

RUBEN WILSON

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**ORDER**

Before the court is a “Motion To Modify Sentence Pursuant To 18 U.S.C. § 3582(c)(2)” filed pro se by defendant, Ruben Wilson (“Wilson”). See Record Document 55. Wilson requests that this court reduce his sentence from 72 months to 27 months.

On April 3, 1998, Wilson pled guilty to three counts of a four count indictment which included knowingly and intentionally distributing crack cocaine, and knowingly and intentionally possessing with the intent to distribute powder cocaine and marijuana. See Record Document 19. On December 14, 1998, he was sentenced to 120 months as to count one, 60 months as to count three and 60 months as to count four, with all terms to run concurrently for a total term of imprisonment of 120 months. He was placed on supervised release for 5 years. See Record Document 33. On November 23, 1999, the government filed a motion for reduction of sentence pursuant to Federal Rule of Criminal Procedure 35. The motion was granted and an amended judgment was entered, reducing Wilson’s sentence from 120 months to 72

months as to count one, 60 months as to count three and 60 months as to count 4, with all terms to run concurrently, for a total term of imprisonment of 72 months. See Record Document 36.

Wilson began his term of supervised release on February 3, 2004. On July 25, 2006, the probation office petitioned the court to issue a warrant for Wilson's arrest. See Record Document 40. This petition was based upon an activity which occurred on July 11, 2006, wherein Wilson had been arrested pursuant to an indictment from the Western District of Louisiana charging him with conspiracy to distribute fifty grams or more of methamphetamine and possession with intent to distribute 50 grams or more of methamphetamine. On October 3, 2007, Wilson entered a conditional guilty plea to count one of the 2006 indictment. See Record Document 152 in Case Number 06-50112-01. He was sentenced on January 4, 2008, to a term of 120 months of imprisonment and a supervised release term of 8 years. See Record Document 163 in Case Number 06-50112-01. The revocation of Wilson's supervised release was also held on this date and he was sentenced to 27 months to run concurrent with the 120 month sentence ordered from the 2006 indictment. See Record Documents 45 and 46.

The sentence that Wilson seeks to reduce is the sentence that he served to completion. Thereafter, he was released. Due to subsequent criminal activity, his supervised release was revoked and he received a sentence pursuant to a new indictment and a sentence for the revocation of his supervised release. The sentence which Wilson seeks to have reduced is no longer in effect and cannot be reduced

pursuant to 18 U.S.C. 3582(c). Accordingly;

**IT IS ORDERED** that the motion for reduction of sentence is **DENIED**.

**THUS DONE AND SIGNED** at Shreveport, Louisiana, this the 2nd day of December, 2010.



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JUDGE TOM STAGG